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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,591	11/29/2001	Kazuto Kadokawa	010443US	2717

466 7590 09/05/2003

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EXAMINER

SAVAGE, JASON L

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 09/05/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,591

Applicant(s)

KADOKAWA, KAZUTO

Examiner

Jason L. Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (US 4,939,498).

Yamada teaches a part comprising a plate **16** having a leg **26** thereon wherein a slit is located beside the leg **26** and extends in the same direction as the leg **26**. The leg **26** is longer than the plate **16** on the side of the slit opposite the leg (Figure 5).

Regarding claim 9, there are slits on both sides of the leg **26** (Figure 5), the leg is longer than the plate **16**.

Regarding claim 10, Yamada teaches a U shaped structure comprising a main plate **14**, side plates **16** and plate on opposite side which has reference number **12** pointing to it (Figure 5). The leg **26** is at an end of the side plate **16** and the slit is disposed between the leg **26** and the side plate **16** (Figure 5).

Regarding claim 11, Yamada teaches a U shaped structure wherein the legs **26** are formed at the end of the side plate **16** which is a side remote from the main plate **14**, the slit formed will determine the length in the direction of the leg **26** (Figure 5).

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3. Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Noschese (US 4,767,344).

Noschese teaches a part comprising a plate **22** having a legs **26** thereon wherein a slit is located beside the leg **26** and extends in the same direction as the leg **26**. The leg **26** is longer than the plate **22** on the side of the slit opposite the leg (Figure 4).

Regarding claim 9, there are slits on both sides of the leg **26** (Figure 4), the leg is longer than the plate **22**.

4. Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasui (US 4,617,585).

Yasui teaches a part comprising a plate **26** having a legs (**18, 21, 22**) thereon wherein a slit **28** is located beside the legs and extends in the same direction as the legs. The leg **26** is longer than the plate **22** on the side of the slit opposite the leg (Figure 4A).

Regarding claim 9, there are slits on both sides of the leg **18** (Figure 4A), the leg is longer than the plate **26**.

Allowable Subject Matter

5. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art teaches what is set forth above however the prior art does not teach or suggest that a portion of the side plate has a length substantially equal to a length of the main plate in longitudinal direction of the leg.

Response to Arguments

6. Applicant's arguments with respect to claims 8-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments are that there are several novel aspects of the invention which is not found in the prior art. As was set forth in the rejections above, the prior art appears to anticipate the claim limitations and since Applicant did not specifically point out how the claimed structure differs from each of the structures taught by the prior art, Applicant's arguments do not overcome the rejection recited above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

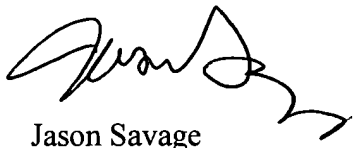
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry to this communication or earlier communications from the Examiner should be directed to Jason Savage, whose telephone number is (703)305-0549. The Examiner can normally be reached Monday to Friday from 6:30 AM to 4:00 PM.

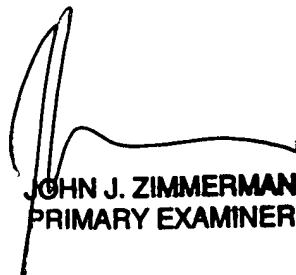
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Deborah Jones, can be reached on (703)308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-2351.



Jason Savage

8-22-03



JOHN J. ZIMMERMAN
PRIMARY EXAMINER